

revived in the mode prescribed by the act of 1820, ch. 161. That act, however, only gives a new and more expeditious mode of proceeding to those who could, independently of its provisions, revive by a *proper* bill of revivor. It is a general rule, that where a suit abates, by the death of a party, before the final decree, the defendant cannot have it revived; since no one can be compelled to commence, renew, or revive a suit against another. After a decree to account, by which both parties are made actors, or after a final decree, a defendant may revive; because he may have an interest in the execution of the decree. The good sense of the rule is, that in every case where a defendant can derive a benefit from the further proceeding, he may revive.^(a) But it is very clear, that this is not such a suit as this defendant can be allowed to revive.

The only object here, the suit having been terminated by abatement, is to have the injunction dissolved so as to enable this defendant to proceed at law. Which, according to the course of the court, may be attained by a petition, as in this instance, praying that the administrator of the deceased plaintiff may revive within a stated time, or that the injunction stand dissolved. For, although in strictness the whole proceedings are abated by the death of either party, yet the injunction, being a judgment of the court, continues in full force until it has been dissolved by the court itself.^(b)

Whereupon it is ordered, that the petition of the said defendant, filed on the 17th of November 1821, be and the same is hereby dismissed with costs. And it is further ordered, that the injunction heretofore granted in this case be dissolved after the 14th day of March next, unless the said *Luke Griffith*, administrator of the late *Samuel G. Griffith*, before that day proceed to revive the said suit. Provided that a copy of this order, together with a copy of the said petition filed on the 11th instant, be served on the said *Luke* on or before the 2d of March next.

Upon a copy of this order the sheriff of Harford county made return on oath, that *Luke Griffith* therein named resided out of the State of Maryland. Upon which the case was again brought before the court.

(a) *Lord Stowell v. Cole*, 2 Vern. 219; *Williams v. Cooke*, 10 Ves. 406; *Horwood v. Schmedes*, 12 Ves. 311.—(b) *Gilb. For. Rom.* 199; 1 Newl. Chan. 229. *Eden. Inj.* 98.